

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**ZIA CHISHTI AND SARAH
POBERESKIN,**

Plaintiffs-Appellants,

v.

TATIANA SPOTTISWOODE, ET AL.,

Defendants-Appellees.

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) **No. 24-7152**
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JOINT PROPOSAL ON BRIEFING FORMAT AND SCHEDULE

On February 7, 2025, the Court directed the parties to submit proposed briefing formats and deadlines regarding Appellants' appeal. *See* Appeal Dkt. No. 2099418. Pursuant to the Court's Order, the Parties hereby submit the following proposed format for the briefing:

- Appellants will file a joint opening brief and reply brief, with the opening brief not to exceed 17,500 words in length.
- Appellees will file a single joint opposition brief not to exceed 19,500 words in length.
- The Parties will adhere to all other requirements set forth in the Federal Rules of Appellate Procedure and Circuit Rules regarding their briefs.

The Parties further submit the following proposed briefing schedule:

FILING	DUE DATE
Appellants' Opening Brief & Joint Appendix	May 16, 2025
Appellees' Opposition Brief	July 25, 2025
Appellants' Reply Brief	August 22, 2025

Appellants' Request to Exceed the FRAP 32(a)(7)(B) Type-Volume Limitation

Appellants respectfully request permission to exceed the standard type-volume limitation of 13,000 words in their principal brief. The District Court's Memorandum Opinion on appeal is fifty-four pages, and addresses eight separate counts raised in the First Amended Complaint. Moreover, in their Statement of Issues to Be Raised, Appellants have identified fourteen issues to be litigated on appeal. To address all of those issues fully and substantively on behalf of both Appellants, and to account for the extension requested below by Appellees, Appellants anticipate they will require a slightly extended brief. Accordingly, Appellants respectfully request permission to file a joint brief of up to 17,500 words. To be sure, should the Court grant Appellants' request, Appellants will strive to fall well under the 17,500-word limit. Appellees consent to this request.

By making this request, Appellants do not intend to waive their rights, pursuant to Circuit Rule 28(e)(2), to respectfully move for additional word length

extensions beyond the amount requested herein upon a showing of good cause, within the time afforded by the rule.

Appellees' request to exceed the Type-Volume limitation of FRAP 32(a)(7)(B)

Appellees respectfully request permission that the length of their joint brief exceed the standard allotment for a single brief. At issue on this appeal is the District Court's Memorandum Opinion, dated September 30, 2024 ("Opinion"), which granted Appellees' respective motions to dismiss the First Amended Complaint ("FAC"). The FAC contains 316 paragraphs (over 90 pages), and asserts eight causes of action. Although Appellees are aligned, certain allegations/causes of action raise unique issues with respect to certain Appellees. The District Court's Opinion is itself over 17,000 words (54 pages). Appellants' Statement of Issues to Be Raised, dated November 8, 2024, lists fourteen issues for appeal. If Appellees were to submit separate briefs, pursuant to the standard word allotment of 13,000 words each, they would have up to 39,000 words. While Appellees will strive to be concise and efficient in their joint brief, to have a fair opportunity to adequately address the issues in the Opinion and that Appellants have identified for appeal, Appellees respectfully request permission to file a joint brief of up to 19,500 words. Appellants consent to this request.

At this time, Appellants have not yet served and filed their opening brief, and thus Appellees do not have clarity on what issues Appellants will actually

include in their brief, the emphasis that Appellants will place on each issue, and the arguments that Appellants will make or authorities that Appellants will cite for each issue. As such, Appellees are not in a position at this time to allocate the number of words that will be needed for each issue for purposes of their opposition brief. By making this request herein in response to the Court's Order, Appellees do not intend to waive their rights, pursuant to Circuit Rule 28(e)(2), upon receipt of Appellants' opening brief and within the time afforded by the rule, to respectfully move for additional word length beyond the amount requested herein upon a showing of good cause for any additional length requested.

Parties' Joint Request to Exceed the Time Limits of FRAP 31(a)

The Parties proposed briefing schedule provides for additional time for Appellees to file their opposing brief to allow for coordination among the Appellees in preparation of their joint brief. It also provides for a short extension for Appellants to file their reply brief.

The Parties respectfully request that the Court adopt the foregoing Joint Proposal On Briefing Format And Schedule.

Dated: March 6, 2025

Respectfully submitted,

/s/ Paul Werner

Paul Werner (Bar No. 50034)

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CERTIFICATE OF COMPLIANCE

The foregoing Joint Proposal complies with the type volume limitation of 20 pages or 5,200 words, provided under Rule 27(d)(2) of the Federal Rules of Appellate Procedure and Circuit Rule 27(d)(2), respectively, because, excluding the parts of the document exempted, it contains 727 words. The Joint Proposal further complies with the typeface and typestyle requirements of Rule 27(d)(1)(C) of the Federal Rules of Appellate Procedure and Circuit Rule 27(d)(1)(D), because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman, 14-point font.

Dated: March 6, 2025

Respectfully submitted,

/s/ Paul Werner

Paul Werner (Bar No. 50034)

CERTIFICATE OF SERVICE

Pursuant to Rule 25(c) & (d) of the Federal Rules of Appellate Procedure and Circuit Rule 25(c), I hereby certify that I have this day caused to be served copies of the foregoing by the CM/ECF system on all registered counsel.

Dated: March 6, 2025

Respectfully submitted,

/s/ Paul Werner

Paul Werner (Bar No. 50034)